IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2188 OF 2005

Shri.Bapu Shivaji More. ... Applicant

vs.

The State of Maharashtra ... Respondent.

Mr.Umesh Maukapure, for the Applicant.

Mr.A.S.Gadkari, A.P.P. for the State.

CORAM: A.M.Khanwilkar,J.

DATED: 4th April, 2005.

P.C.:-

1. Heard the learned Counsel for both the parties. Perused the record. No evidence is forthcoming to indicate that the applicant has played an active part in the commission of the offence. At best, even if, the evidence is to be accepted as it is, it indicates that the applicant was seen alongwith Mohan at the time of the offence. No more and no less. That is not enough, especially when only section 34 of I.P.C is applied.

2. If it is so, as the investigation is completed, the chargesheet has been filed and as there are no antecedents against the applicant, the applicant

deserves to be enlarged on bail on the following terms:

3. The applicant is directed to be released on bail in connection with C.R.no.61 of 2004 registered with Palus Police Station, Sangli, on executing Personal Bond in the sum of Rs.20,000/- with one or two local sureties in the like amount.

4. The applicant to report to the concerned police station on the First Saturday of every English Calender month between 10 a.m. To 2 p.m. During the pendency of the trial.

5. The applicant shall not influence the prosecution witnesses and shall not tamper with the prosecution evidence in any manner whatsoever.

6. The applicant shall give full co-operation for the early disposal of the trial as a condition of the bail.

7. If the trial Court is of the opinion that the applicant is responsible for causing delay in early conclusion of the trial, that can be the ground for cancellation of bail.

4.4.2005 ---